

## **TOWN OF ARLINGTON ZONING BOARD OF APPEALS**

### **COMPREHENSIVE PERMIT pursuant to M.G.L. Ch. 40B, §§ 20-23**

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APPLICANT: HOUSING CORPORATION OF ARLINGTON  
SUBJECT PROPERTY: 20 Westminster Avenue, Arlington<sup>1</sup>  
(Assessor Map 60, Parcel 6, Lots 7 & 8)  
PROJECT NAME: 20 Westminster

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### **REQUESTED WAIVERS**

The Applicant seeks waivers from the Town of Arlington local Bylaws, rules and regulations, as shown below<sup>2</sup>.

The Applicant also requests that waivers be granted from any requirements to apply to the Town or other municipal Boards or departments, including but not limited to the Town of Arlington Board of Health, Board of Selectmen, Historical Districts Commission, Department of Public Works, Planning Board, and Water and Wastewater Department, if normally required; and the Applicant requests that the Comprehensive Permit be issued in lieu of all of the aforementioned permits, inclusively, including but not limited to the permits and approvals to connect to the municipal water and sewer system (please note that the Applicant will comply with all technical requirements related to the municipal water and sewer system).

If in the course of the hearings it is determined that there are other local by-laws, rules and regulations that would otherwise be applicable to this development that have not been requested in this application, the Applicant reserves the right to so amend the Requested Waivers.

The Applicant also requests waivers from otherwise applicable building permit and water department fees of the affordable units.

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<sup>1</sup> Also addressed as 26 Westminster Avenue (Map: 60-6-7) and 0 Lowell Street (Map: 60-6-8) on Town of Arlington Assessors records and GIS informational site.

<sup>2</sup> All regulation and bylaw references are to the Town of Arlington

**ZONING BOARD OF APPEALS**  
**COMPREHENSIVE PERMIT REGULATIONS**

**ZONING BY-LAWS**

(Updated through the Town Meeting of April, 2015)

\* The proposed project consists of the conversion of an existing non-conforming building/use on site into nine (9) rental dwelling units.

***NOTE:** Pursuant to 760 CMR 56.05(7), zoning waivers are not needed from Special Permit provisions of a zoning bylaw, but only from the requirements of the underlying as of right zoning requirements. Therefore, waivers are not being requested from the Special Permit provisions of the Zoning Bylaw.*

**Article 5 – Use Regulation**

**Section 5.02 – Permitted Uses:** Applicant request a waiver from permitted uses to allow for the conversion of an existing structure into an Apartment House use per the Table of Use Regulations.

**Section 5.04 – Table of Use Regulations:** Applicant request a waiver from the Table of Use Regulations to allow for the conversion of an existing structure into an Apartment House consisting of nine dwelling units, which said apartment use is currently not permitted in the R1 zoning district.

**Article 6 – Dimensional and Density Regulations**

**Section 6.00 – Table of Dimensional and Density Regulations:** As the proposed site is a pre-existing non-conforming structure and no change on a pre-existing lot, the Applicant does not seek specific waivers from dimensional and density regulations and instead seeks waiver from Article 9 – Nonconforming Uses, Structures and Lots.

**Article 8 – Off Street Parking and Loading Regulations**

**Section 8.01 – Off-Street Parking Regulations:** Applicant seeks a waiver from the Table of Off-Street Parking Regulations. Per the unit make-up of the proposed Apartment House, twelve (12) off-street parking spaces are required. However, as detailed in the Narrative submitted with the application, the topography of the site does not lend itself to the

construction of parking spaces. Applicant is proposing leasing off site off-street-parking for tenants as necessary and is seeking a waiver from the requirement of any off-street parking.

**Section 8.06 – Location of Parking Spaces:** As referenced above, the project will not have on-site parking. To the extent necessary, Applicant seeks a waiver from the requirement that off-site parking, if any, be no further than six hundred (600) feet from the site.

**Section 8.13 – Bicycle Parking:** Applicant seeks a waiver from the requirement of providing bicycle parking, rack or storage.

## **Article 9 – Nonconforming Uses, Structures, and Lots**

**Section 9.02 – Extension and Alteration:** Applicant seeks a waiver from this section to the extent necessary to allow for the extension of a nonconforming principal use.

**Section 9.04 (b) – Reduction or Increase:** Applicant seeks a waiver to allow for an increase in floor area of a nonconforming use.

**Section 9.05 – Change:** Applicant seeks a waiver, to the extent necessary, to allow for a change from one nonconforming use to a substantially different nonconforming use.

In reference to the above request for waivers, the following represents a chart of Present Conditions, Proposed Conditions and Required by Zoning in analysis of the Residential R1 zoning district requirements pursuant to “Any other permitted principal structure” as shown in Section 6.00 – Table of Dimensional and Density Regulations.

### **Dimensional and Density Regulations:**

<b>RESIDENCE R1 DISTRICT *Any other permitted principal structure</b>	<b>Present</b>	<b>Proposed</b>	<b>Required</b>
Minimum Lot Size	17,862 s.f.	17,862 s.f.	6,000 s.f.
Minimum Lot Frontage	293.52 feet	293.52 feet	60 feet
Floor Area Ratio	.479	.526	.35
Maximum Lot Coverage %	N/A	N/A	N/A
Minimum Lot Area per dwelling unit	N/A	1,985 s.f.	N/A
Minimum Front Yard	8 feet	8 feet	25 feet
Minimum Side Yard	32 – 210 (left) 5 - 14 feet (right)	32 – 210 (left) 5 - 14 feet (right)	10 feet

Minimum Rear Yard	13 feet	13 feet	20 feet
Maximum Height	3 stories / 36 feet	3 stories / 36 feet	2 ½ stories or 35 feet
Landscaped Open Space minimum	141%	141%	30%
Usable Open Space minimum	N/A	N/A	N/A

Again, as the proposed site is a pre-existing non-conforming structure and no change on a pre-existing lot, the Applicant does not seek specific waivers from dimensional and density regulations and instead seeks waiver from Article 9 – Nonconforming Uses, Structures and Lots. However, if it is determined that waivers are required from the dimensional and density regulations; the above chart represents any waivers required as requested.

## **Article 10 – Administration and Enforcement**

**Section 10.02 – Permit Required:** Applicant seeks a waiver from the provision of this section that the permit would not be in violation of the provision of the Bylaw to the extent necessary as to permit the proposed project of the establishment and redevelopment of nine dwelling units.

## **Article 11 – Special Regulations**

**Section 11.06 – Environmental Design Review:** Applicant seeks a waiver from the requirement of an Environmental Design Review, to the extent necessary.

## **TOWN BY-LAWS**

### **Title V – Regulations Upon the Use of Private Property /**

#### **Article 9: Placement of Dumpsters and Related Regulations**

Applicant seeks a waiver from this article from the requirement of a permit from the Board of Selectmen and also seeks a waiver from the permit fee and from the Dumpster regulations. The Applicant believes the proposed dumpsters and location are sufficient.

## **Title VII – Historic Districts**

#### **Article 4: Authority of Commissions and Limitation Thereon**

The property is located within the Mount Gilboa/Crescent Hill Historic District. The Applicant seeks a waiver from any requirements to apply to the Historic District Commission and to receive approval from said Commission for any building or site alterations.

To the extent necessary, applicant seeks a waiver from the requirement of applying for and obtaining a certificate of appropriateness or other certificate from the Historic District Commission.